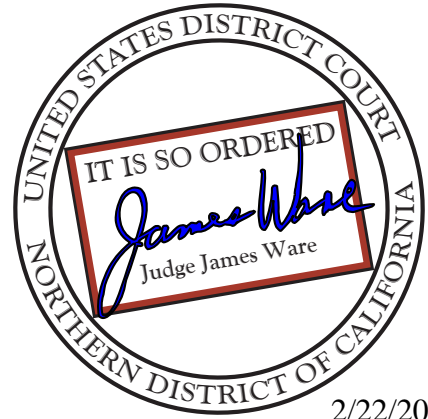


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2/22/2010

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

UNITED STATES FIRE INSURANCE
COMPANY, a corporation,

Plaintiff,

vs.

VESTA STRATEGIES, LLC, a limited liability
company; SAMUEL W. HENKA, an individual,

Defendants.

SAMUEL W. HENKA, et al,

Counter-Claimants,

vs.

UNITED STATES FIRE INSURANCE
COMPANY, a corporation.

Counter-Defendants.

Case No.: C0902388 JW PVT

**STIPULATION RE EXTENSION
OF TIME TO PROVIDE RULE 26
INITIAL DISCLOSURES**

SAMUEL W. HENKA, et al.,
 Cross-Claimants,
 vs.
 VESTA STRATEGIES, LLC, a limited liability
 company, et al.,
 Cross-Defendants.

Pursuant to Fed. R. Civ. P. 26(a)(1)(C), it is hereby stipulated by and among the parties who have appeared and filed answers to date, through counsel identified above, that the dates previously agreed upon by the parties for providing Initial Disclosures (January 22, 2010 and February 11, 2010)¹ shall be extended to a new date of February 26, 2010. This extension is needed because the Receiver appointed to act on behalf of defendants Vesta Strategies, LLC and Excalibur 1031 Group, LLC only recently gained access to the business records of these entities,² and the parties require additional time to review and assimilate the records made available to the Receiver for purposes of determining how the information affects their respective cases, i.e. the witnesses, documents, damages and insurance they intend to provide in their Initial Disclosures.

¹ The parties agreed on an Initial Disclosure deadline of January 22, 2010 for all parties who answered before December 14, 2009, and a deadline of 60 days after answering for all parties who answered after October 30, 2009. As such, Initial Disclosures from the Henka Parties and United States Fire Insurance Company are due on January 22, 2010, and Initial Disclosures from LPH, LLC, Lincoln Park Clybourn 1900, LLC and 1135 West Armitage, LLC are due on February 11, 2010.

² In August 2008, the business records of Vesta Strategies, LLC and Excalibur 1031 Group, LLC were seized pursuant to search warrant by the Santa Clara County District Attorneys Office. These records are currently being held by the FBI, San Jose division, as evidence in the related criminal action pending against defendants John Terzakis and Robert Estupinian, the owners of Vesta and Excalibur (Case No. CR 09-01212 JF, United States District Court for the Northern District of California). The FBI made these records available to the Receiver as recently as Tuesday January 19, 2010. This was three days prior to the parties' Initial Disclosure deadline of January 22, 2010.

HOLLISTER & BRACE

Dated: January 22, 2010

By /s/ Peter L. Candy

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Dated: January 22, 2010

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